

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JAMES C. WINDING

PLAINTIFF

VS.

CIVIL ACTION NO. 4:10cv153-CWR-FKB

Dr. J.C. PILKINTON

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's Objection to the Report and Recommendation of United States Magistrate Judge Keith Ball entered *sua sponte* on August 9, 2011, dismissing Plaintiff's Complaint having considered Plaintiff's allegations and receiving Plaintiff's testimony at an omnibus hearing. Having considered said Report and Recommendation, the Plaintiff's objections thereto, applicable statutory and case law, and being otherwise fully advised in the premises, the Court concludes that Plaintiffs' objection is without merit and hereby adopts, as its own opinion, the report and recommendation of the magistrate judge.

Based on the foregoing, it is ordered that the report and recommendation of United States Magistrate Judge F. Keith Ball entered on August 9, 2011, and the same is hereby, adopted as the finding of this Court. The Complaint in this matter shall be dismissed with prejudice. All other pending motions are denied.

Because this case is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), it will be counted as a "strike" pursuant to 28 U.S.C. § 1915(g).

A separate judgment will be entered in accordance with Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 19<sup>th</sup> day of March, 2012.

s/Carlton W. Reeves

UNITED STATES DISTRICT JUDGE